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MAIL STOP: PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Serial No. 09/849,768

Date: September 13, 2004

SEP 20 2004

Date Filed: 5/4/2001

Examiner: A. Pechhold

OFFICE OF PETITIONS

Applicant: K. Krueger et al.

Group: 3671

Title: Stormwater Management System

Attorney No. STT-0003 (2307)

PETITION TO REVIVE UNINTENTIONALLY ABANDONDED APPLICATION

To: Commissioner for Patents

Applicants hereby petition to revive this application which is abandoned because applicants failed to respond to a notice of defective brief dated February 22, 2003. (Applicants have not received a notice of abandonment.)

1. Applicants enclose a check for \$55 in payment of fee. If there is a deficiency, please charge it to deposit account No. 14-0711, reference number 2307.
2. Applicants enclose three copies of an amended appeal brief, for entry in response to the notice of defect, which defect related to omission of the "Grouping of Claims" section.
3. A notice of non-compliant appeal brief had been mailed in February 26, 2004. That notice was never received by applicants' attorney.
4. The Supervisory Examiner called applicants' attorney on 2/2/04, as he tried to help with address problems in the case. See below. Then, applicants awaited the reply brief. They assumed it was delayed by work load. On 6/8/04 and 7/28/04 applicants sent fax status requests. Copies are enclosed. No responses were received. On 8/24/04 applicants called the examiner and she advised of the missing office action.
4. Enclosed are copies of applicants' attorney's docket sheets. They show receipts, and responses and other actions which must be taken for various cases, in early 2004 time period, when response would have be required for the never-received office action. See the notes with the attachments.
5. Applicants have had a lot of difficulty with correspondence in this case. They tried several times to correct things. It may be that the missing notice was have been sent to the wrong address, and not forwarded to the present attorney. The history is:

--in February 2003, a transmittal letter and new power of attorney requested that PTO change the correspondence address

09/17/2004 WABDELRI 00000044 140711 09849768
01 FC:2453 610.00 DA 55.00 OP


--in September 2003, applicants sent a large type face letter, requesting the PTO to send correspondence to the correct address, since the 6/17/03 final rejection was sent to the old address

--on February 4, 2004, Supervisory Examiner T. Will called applicants' attorney, seeking to help with the address problem. After that, applicants thought things were resolved.

6. Thus, applicants were unaware of the issuance of the office action, and that there was a deadline set for response. Therefore, the failure to timely respond was unavoidable. In fairness, the application should be revived, and that is respectfully requested.

7. Applicants' attorney has never previously filed any petition relating to a never-received office action.

Respectfully submitted,
Kurt J. Kruger et al.

By 
Their Attorney

C. G. Nessler
Box H
Chester, CT 06412
(860) 526-9149 (860) 526-1043

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 14, 2004.

Serial No. 09/849,768 Krueger et al.
Atty No. 2307

Explanation re Atty. C. Nessler Docket System

The original attorney docket number was STT 0003. When the case was turned over to C. Nessler, his docket number 2307 was assigned. That is the number shown in the attachments.

Correspondence from the PTO is opened and placed in an incoming basket for processing. Periodically, such correspondence is placed in the file and its receipt is entered on the file wrapper docket (Page B). At the same time, the date for response is entered into the master docket (Page A).

The subject never-received office action was dated February 26, 2004, which normally would have been received within 1-5 days. The action required a response within 30 days, or March 26, 2004. If received, it would have been reflected by an entry at **X** on Page A and at **Z** of Page B.

Pages A and B show items entered before and after such date.

On Page A, subject case "2307 Krueger" does appear on the docket at **Y**, with other items for which there is no present deadline for action.

#2307

Patent No.

Granted

Applicant Krueger et al.Ser. No. 09/849,768Group 3671Filed 5/4/2001

Room _____

For Stormwater Management System

Drawings _____ Sheets. Executed _____ Forwarded _____

Allowed _____ Allowance Notice Sent _____

Final Fee Sent _____ Receipt for Final Fee _____

Patent Delivered to _____

Assignee ISI

Assignment Forwarded _____ Recorded _____ Reel _____ Frame _____

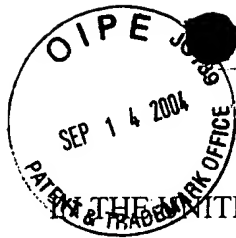
Assignment Returned _____ Delivered Assignee _____

Foreign _____

filed and handled by Cantor Coburn2/19/2003 send P/A and change address3/18/03 Resp and amendment6/17/03 Final rejection (sent to CC)9/14/03 Notice of AppealLetter re address change11/13/03 Appeal Brief + copy2/5/04 tel Ex Will re address + fax6/8/04 status query fax7/28/048/24/04 tel. ex. Reckhold9/3/04 tel ex will

Applicant's Residence _____

Post Office Address _____



UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 09/849,768

Date: June 8, 2004

Date Filed: 5/4/2001

Examiner: A. Pechhold

Applicant: K. Krueger et al.

Group: 3671

Title: Stormwater Management System

Attorney No. STT-0003 (2307)

STATUS INQUIRY

Commissioner of Patents

Applicants request that they be advised of the status of the application. A telephone response to 860 526 9149 will be satisfactory.

Applicants filed an appeal brief dated November 13, 2003. They have not received an Answer yet. There were previous difficulties with office actions being sent to the incorrect address. It was thought these were resolved in February 2004, but applicants are concerned, and wish to resolve their appeal.

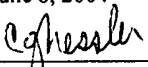
Please confirm that an Answer has not been made, and that applicants may soon expect same.

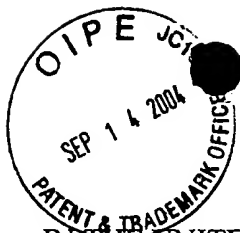
Respectfully submitted,
Kurt J. Kruger et al.

By 
Their Attorney

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I hereby certify that this correspondence is being
transmitted to the United States Patent and Trademark
Office (Attn: Alexandra Pechhold) by facsimile to 703 746-
3856 on June 8, 2004


C. G. Nessler



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 09/849,768

Date: July 28, 2004

Date Filed: 5/4/2001

Examiner: A. Pechhold ←

Applicant: K. Krueger et al.

Group: 3671

Title: Stormwater Management System

Attorney No. STT-0003 (2307)

STATUS INQUIRY

(2) PAGES

Commissioner of Patents

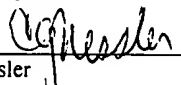
Applicants request that they be advised of the status of the application. Attached is a copy of a status inquiry dated June 8, to which applicants have not received a response.

Respectfully submitted,
Kurt J. Krueger et al.

By 
Their Attorney

C. G. Nessler
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(860) 526-1043

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (Attn: Alexandra Pechhold) by facsimile to 703 872-9306 on July 28, 2004


C. G. Nessler